

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,  
Plaintiff,

v.

1979 ROLLS ROYCE SILVER  
WRAITH II, VEHICLE  
IDENTIFICATION NUMBER LRK 36784  
AND WASHINGTON REGISTRATION  
NUMBER 020PAW,  
Defendant.

Civil Action No.

**05 10925 RGS**

RECEIPT # \_\_\_\_\_  
AMOUNT \$ N/A  
SUMMONS ISSUED N/A  
LOCAL RULE 4.1 \_\_\_\_\_  
WAIVER FORM \_\_\_\_\_  
MCF ISSUED \_\_\_\_\_  
BY DPTY. CLK. PR  
DATE 5-5-05

MAGISTRATE JUDGE Bowles

**VERIFIED COMPLAINT FOR FORFEITURE IN REM**

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, in a civil action of forfeiture pursuant to Title 21, United States Code, Section 881(a)(4) and Title 31, United States Code, Section 5317(c)(2), alleges that:

1. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 1345 and 1355. Venue is appropriate pursuant to 28 U.S.C. § 1395.

2. The property consists of one 1979 Rolls Royce Silver Wraith II, Vehicle Identification Number LRK 36784 and Washington Registration Number 020PAW, seized by the United States Drug Enforcement Administration on July 1, 2004, from 100 Main Street, Yarmouth, Massachusetts (the "Defendant Vehicle").

3. The in rem Defendant Vehicle is now, and, during the pendency of this action, will be within the jurisdiction of this Court.

4. As detailed in the Affidavit of United States Drug Enforcement Administration Special Agent Robert Donovan, attached as Exhibit A and incorporated herein by reference, the United States has probable cause to believe that the Defendant Vehicle was used or intended to be used to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances, in violation of the Controlled Substances Act, United States Code, Section 801, et seq., and is, therefore, subject to seizure and forfeiture to the United States of America pursuant to 21 U.S.C. § 881(a)(4). The United States further has probable cause to believe that the Defendant Vehicle constitutes property involved in structured transactions at a domestic financial institution in violation of 31 U.S.C. § 5324, or property traceable thereto, and is, therefore, subject to seizure and forfeiture to the United States under 31 U.S.C. § 5317(c)(2).

WHEREFORE, the United States of America prays:

1. That a Warrant and Monition, in the form submitted herewith, be issued to the United States Marshal for the District of Massachusetts commanding him to take custody of the Defendant Vehicle and give notice to all interested parties to appear and show cause why the forfeiture should not be decreed;

2. That judgment of forfeiture be decreed against the Defendant Vehicle;

3. That thereafter, the Defendant Vehicle be disposed of according to law; and

4. For costs and all other relief to which the United States may be entitled.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: 

KRISTINA E. BARCLAY  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3100

Dated: May 5, 2005

VERIFICATION

I, Robert Donovan, Special Agent, United States Drug Enforcement Administration, state that I have read the foregoing Verified Complaint for Forfeiture In Rem, and that the contents thereof are true to the best of my knowledge, information and belief.

Robert Donovan  
Robert Donovan, Special Agent  
United States Drug Enforcement  
Administration

Dated: 5/4/05

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Boston

Then personally appeared before me the above-named Robert Donovan, Special Agent, United States Drug Enforcement Administration, who acknowledged the foregoing to be true to the best of his knowledge, information and belief, on behalf of the United States of America.

Subscribed to and sworn to before me this 4<sup>th</sup> day of May, 2005

Lisa J. Talbot  
Notary Public  
My commission expires: 5/29/09

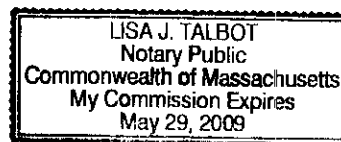


Exhibit A

AFFIDAVIT OF ROBERT DONOVAN

I, Robert Donovan, hereby depose and state the following:

1. I am a Special Agent of the United States Drug Enforcement Administration ("DEA"), and have served in this capacity for over seven and one-half years. I currently am assigned to the Boston, Massachusetts, Division Office. During my tenure as a Special Agent, I have participated in hundreds of drug investigations. I have applied for and/or participated in the execution of numerous search and seizure warrants, resulting in the seizures of large quantities of controlled substances; packing implements and other paraphernalia involved in the manufacture and distribution of controlled substances; large amounts of United States currency, ledger books, bank records, telephone books, receipts, drug customer lists, and other documents relating to the manufacturing, transportation, ordering, purchasing, and distribution of controlled substances. As part of my duties, I also have received training in and conducted investigations into money laundering and violations of the currency transaction reporting statutes (31 U.S.C. §§ 5313, 5324 and 5325), particularly in connection with large-scale narcotics trafficking.

2. I submit this affidavit in support of a Verified Complaint for Forfeiture In Rem against the following property:

1979 Rolls Royce Silver Wraith II, Vehicle  
Identification Number LRK 36784 and Washington  
Registration Number 020PAW (the "Defendant Vehicle").

3. This affidavit is based upon my personal knowledge, and information provided to me by officers of the United States Postal Inspection Service, the Yarmouth Police Department, the Bristol County Sheriff's Department, and the Cape Cod Task Force. This affidavit does not contain every detail I and other law enforcement personnel have learned during the course of this investigation, but I set forth the following information as probable cause to believe that the Defendant Vehicle is subject to seizure and forfeiture to the United States (1) pursuant to 21 U.S.C. §§ 881(a)(4) and 881(b), as it was used or intended to be used to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances, in violation of the Controlled Substances Act, Title 21, United States Code, Section 801, et seq., and (2) pursuant to 31 U.S.C. § 5317(c)(2), as it constitutes property involved in structured transactions at a domestic financial institution in violation of 31 U.S.C. § 5324, and property traceable thereto.

**INVESTIGATION**

**Drug Investigation**

4. On July 1, 2004, United States Postal Inspector Steve Dowd contacted me regarding a package which he intercepted while he was working at the Airmail Center at Logan Airport in Boston, Massachusetts. Inspector Dowd reported that the suspect package was emanating the distinct order of marijuana. Inspector Dowd informed me that the package was addressed to "H. Smith, 100 Main Street, Apartment 1, Upstairs, West Yarmouth, MA", and that the return address on the package was "Jerry A. Johnson, 2608 Market Street, Apartment 12, Houston, TX". Based on my training and experience, I know that Houston, Texas is a source city for illegal narcotics. Inspector Dowd stated that, upon further investigation, he determined from United States Postal Service records that the return address on the suspect package was phony.

5. Later that day, I met Inspector Dowd at the Yarmouth Police station, where we met with Special Agent Edward Harrington of the Drug Enforcement Administration, Officer Thomas Downs of the Cape Cod Task Force, and Detective Charles E. Peterson of the Yarmouth Police Department. Inspector Dowd showed me and the officers the suspect package, and I detected the distinct smell of marijuana emanating from the suspect package. The markings on the suspect package indicated that it had been sent on June 30, 2004 via next day delivery, and that it weighed two pounds and

twelve ounces.

6. Officers contacted the Barnstable County Sheriff's Department K-9 Unit, and Deputy Paul Roderick responded to the Yarmouth Police station with his K-9 partner, Cassie. Cassie is certified as a Massachusetts State Police Narcotic Detection K-9. Before Deputy Roderick and Cassie arrived at the station, six packages, similar in size, shape, color and markings, were placed on the floor of the Yarmouth Police Department briefing room. Cassie scanned the packages, and showed a positive alert for the presence of narcotics in the suspect package.

7. Detective Peterson then obtained information regarding the occupancy for 100 Main Street in West Yarmouth. There are three units in the building, number 98, number 100 and number 100 Main Street Apartment 1. As of July 1, 2004, number 98 was occupied by Schlegel Insurance Agency, number 100 was occupied by Shears Beauty Salon, and number 100 Main Street apartment 1 was occupied by Marcy Katz. Detective Peterson was unable to identify "H. Smith" as an occupant of the building. At approximately 2:15 p.m. on July 1, 2004, a state search warrant for number 100 Main Street, apartment 1, West Yarmouth, Massachusetts was issued, based on an affidavit submitted by Detective Peterson.

8. At approximately 3:00 p.m. the same day, officers established surveillance at 100 Main Street in West Yarmouth. A



short time later, Inspector Dowd arrived at 100 Main Street and pulled into the parking area. Inspector Dowd was operating in an undercover capacity, dressed as a United States Postal Service carrier and driving a United States Postal Service vehicle. Inspector Dowd got out of the vehicle with the suspect package, and walked around to the rear of the building. Surveillance officers observed a black male dressed in a green shirt and blue jeans follow Inspector Dowd around the building. When Inspector Dowd was about half way up the stairs to number 100 Main Street, apartment 1, the black male came around the corner of the building and called out to Inspector Dowd. The black male asked Inspector Dowd if the package could be delivered to the hair salon, and Inspector Dowd responded that the package had to be delivered to "H. Smith". Inspector Dowd came to the bottom of the stairs and the black male identified himself as Henry Smith. Inspector Dowd verified Smith's identify and Smith signed for the suspect package. Inspector Dowd watched as Smith walked to the Defendant Vehicle, opened the front passenger door, and placed the suspect package in the front passenger seat of the Defendant Vehicle, which was parked at 100 Main Street. Surveillance officers, including myself and Detective Peterson, then entered the parking lot. Detective Peterson immediately recognized Smith from prior narcotics investigations. Smith was arrested and charged with possession with intent to distribute marijuana, and

officers recovered the suspect package from the Defendant Vehicle. Officers recovered a yellow note stuck to the door of number 100 Main Street, apartment 1, which read "can you leave package downstairs at hair salon, Thank you".

9. Later that day, Detective Peterson conducted a background check on Smith and determined that Smith had a valid Massachusetts driver's license listing his address as 162 Old Colony Road, Hyannis, Massachusetts. Smith was taken to the Yarmouth Police station, where he told me that he had owned the Defendant Vehicle for approximately seven months, but that he did not want to provide any other information about the Defendant Vehicle. A check of the registration for the Defendant Vehicle revealed that it was registered to Bernard C. Houston, 3801 47<sup>th</sup> Avenue SW, Seattle, Washington.

10. While booking Smith, officers recovered two bundles of cash from Smith's person: one bundle consisting of \$1,500 in United States currency and one bundle consisting of \$1,930 in United States currency. Officers also seized a black Nextel i540 cell phone and two Express Mail labels. One of the Express Mail labels bore a return address of "Henry Smith, 162 Old Colony Road, Hyannis, MA" and a recipient address of "Cleonis Smith, 5527 Tremper St., Houston, TX 77020". The label reflected that the package was shipped, via next day delivery, on June 29, 2004, and that it weighed one pound, one ounce. The second label bore

a return address of "Michael Wilson, 162 Old Colony Road, Hyannis, MA" and a recipient address of "Betty White, 2665 South West 6th Court, Apt. 1, Ft. Lauderdale, Fla 33312". The label reflected that the package was shipped, via next day delivery, on June 23, 2004, and that it weighed one pound, three ounces. Based on my training and experience, I know that individuals involved in transporting narcotics by mail often will send money orders or United States currency to their sources of supply, and in return they will receive a package containing the illegal drugs. I am also aware that the packages containing money orders or United States currency will frequently be smaller than packages containing narcotics, and that they will often weigh approximately one pound.

11. Based on, inter alia, the positive alert for narcotics by K-9 Cassie, the smell emanating from the suspect package and the controlled delivery of the suspect package, Detective Peterson applied for a state court search warrant for the suspect package on July 1, 2004. The search warrant was issued, and Detective Peterson took custody of the suspect package at the Yarmouth Police station later that same day. Detective Peterson opened the suspect package and discovered balled-up Houston Courier newspaper pages and a large, plastic-wrapped bundle. As Detective Peterson unwrapped the plastic cling-wrap from the bundle, he encountered five sheets of fabric softener rolled into

the plastic wrap. After unwrapping the cling-wrap and fabric softener sheets, Detective Peterson found two blue zip-lock type freezer bags, each containing a quantity of green vegetable matter believed to be marijuana. Field tests of the green vegetable matter in each bag were positive for marijuana.

12. The bags of green vegetable matter seized from the suspect package were later analyzed and certified to contain marijuana. I weighed the marijuana prior to submitting it to the state narcotics lab, and the total weight of the green vegetable matter in both bags was approximately two and one-half pounds.

13. The state charges against Smith for possession with intent to distribute marijuana currently are pending in Barnstable District Court. On October 4, 2004, Smith was arrested in Houston, Texas in possession of two kilograms of cocaine. He is currently incarcerated at the Harris County Sheriff's Office and the state charges in Texas currently are pending. A criminal records check revealed that Smith has a prior history of narcotics distribution charges in Massachusetts and Florida, including, among other things, a 1998 Massachusetts conviction on charges of cocaine trafficking, possession with the intent to distribute cocaine and possession with the intent to distribute marijuana.

**Structuring Investigation**

14. 31 U.S.C. § 5313(a) and 31 C.F.R. § 103.22 require a domestic financial institution to file a currency transaction report ("CTR") for any transaction in currency of more than \$10,000. Rockland Trust and Cape Cod Bank & Trust are financial institutions subject to the requirements of 31 U.S.C. § 5313(a). See 31 U.S.C. § 5312(a)(2)(v).

15. 31 U.S.C. § 5324 provides, in relevant part:

No person shall, for the purpose of evading the reporting requirements of section 5313(a) ... (1) cause or attempt to cause a domestic financial institution to fail to file a report required under section 5313(a)... ; (2) cause or attempt to cause a domestic financial institution to file a report required under section 5313(a) ... that contains a material omission or misstatement of fact; or (3) structure or assist in structuring, or attempt to structure or assist in structuring, any transaction with one or more domestic financial institutions.

16. Pursuant to 31 U.S.C. § 5317(c)(2), any property involved in a violation of 31 U.S.C. § 5324, and all property traceable to any such violation, is subject to forfeiture to the United States.

17. On May 4, 2005, I contacted Bernard C. Houston, under whose name the Defendant Vehicle was registered in July 2004. As set forth above, on July 1, 2004, Smith stated that he had purchased the Defendant Vehicle from Houston seven months earlier.

18. Houston remembered selling the Defendant Vehicle to Henry L. Smith, Sr. at the end of January 2004. He could not locate the Bill of Sale, but recalled that he sold the Defendant Vehicle to Smith for approximately \$29,000. Houston remembered that he spoke to Smith over the telephone, that Smith gave his address as 162 Old Colony Road, Hyannis, Massachusetts, and that Smith stated that he would fly someone out to Washington with \$29,000 in cash to retrieve the Defendant Vehicle. Houston was uncomfortable with that arrangement, and requested payment by cashier's check. Smith then sent Houston three separate checks, at the same time, to Houston for the purchase of the Defendant Vehicle. I have reviewed copies of those checks, which were provided to me by Houston. The three checks are described as:

- a. Rockland Trust Treasurer's Check Number 611837, in the amount of \$9,000, payable to Bernard Houston, purchased by Henry Smith Sr. on January 26, 2004;
- b. Rockland Trust Treasurer's Check Number 611775, in the amount of \$9,500, payable to Bernard Houston, purchased by Henry Smith Sr. on January 26, 2004; and
- c. Cape Cod Bank & Trust Cashier's Check Number 161721, in the amount of \$9,500, payable to Bernard Houston, purchased by Henry L. Smith Sr. on January 26, 2004.

19. Houston further stated that Smith arranged for the Defendant Vehicle to be professionally transported from Seattle, Washington to Hyannis, Massachusetts. Houston sent the title for the vehicle to Smith.

20. According to information obtained from Rockland Trust, Treasurer's Checks Number 611837 and Number 611775 were purchased from different Rockland Trust branches on January 26, 2004. For each purchase, cash was deposited into a Rockland Trust deposit account and then funds withdrawn from the account to purchase the check. Each Treasurer's Check was purchased with funds from a different deposit account, held in the name of different individuals. Because Smith never purchased more than \$10,000 in treasurer's or cashier's checks from one financial institution at one time, and because his Rockland Trust transactions were conducted through accounts held in the names of two different individuals, Smith's transactions would not have triggered the reporting requirements under 31 U.S.C. § 5313.

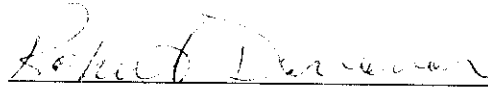
21. Based on my training and experience, the purchase pattern identified in paragraph 20 above establishes that Smith purchased the three checks which he used to purchase the Defendant Vehicle in transactions structured to evade the currency transaction requirements of 31 U.S.C. § 5313(a), in violation of 31 U.S.C. § 5324.

**CONCLUSION**

22. Based on the foregoing, I have probable cause to believe that the Defendant Vehicle was used or intended to be used to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances, in violation of the Controlled Substances Act, Title 21, United States Code, Section 801, et seq. I therefore have probable cause to believe that the Defendant Vehicle is subject to seizure and forfeiture to the United States pursuant to 21 U.S.C. §§ 881(a)(4) and 881(b). Based on the foregoing, I further have probable cause to believe that the Defendant Vehicle constitutes property involved in structured transactions at a domestic financial institution in violation of 31 U.S.C. § 5324, or property traceable thereto. I therefore have probable cause to believe that the Defendant Vehicle is subject to seizure and forfeiture to the United States under 31 U.S.C. § 5317(c)(2).



Signed under the pains and penalties of perjury this 4<sup>th</sup> day  
of May, 2005.

A handwritten signature in cursive script, appearing to read "Robert Donovan", is written over a horizontal line.

Robert Donovan  
Special Agent  
United States Drug Enforcement  
Administration

**CIVIL COVER SHEET.**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

United States of America

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF**  
(EXCEPT IN U.S. PLAINTIFF CASES)**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**  
Kristina E. Barclay, Assistant U.S. Attorney  
United States Attorney's Office  
One Courthouse Way, Suite 9200  
Boston, MA 02210 (617) 748-3100**DEFENDANTS**1979 Rolls Royce Silver Wraith II, Vehicle  
Identification Number LRK 36784 and  
Washington Registration Number 020PAW**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT**  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

05 10925 RGS

**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**V. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

| CONTRACT   | TORTS  | FORFEITURE/PENALTY  | BANKRUPTCY  | OTHER STATUTES   |
|--|--|---|---|--|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 180 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><b>PERSONAL INJURY</b><br><input type="checkbox"/> 362 Personal Injury - Med. Malpractice<br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs.<br><input type="checkbox"/> 660 Occupational Safety/Health<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 881 HIA (1395M)<br><input type="checkbox"/> 882 Black Lung (923)<br><input type="checkbox"/> 883 DIWC/DIWW (405(g))<br><input type="checkbox"/> 884 SSD Title XVI<br><input type="checkbox"/> 885 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce/ICC Rates/etc.<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 510 Selective Service<br><input type="checkbox"/> 550 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 881 Agricultural Acts<br><input type="checkbox"/> 882 Economic Stabilization Act<br><input type="checkbox"/> 883 Environmental Matters<br><input type="checkbox"/> 884 Energy Allocation Act<br><input type="checkbox"/> 885 Freedom of Information Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes<br><input type="checkbox"/> 990 Other Statutory Actions |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property   | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 448 Other Civil Rights<br><b>PRISONER PETITIONS</b><br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><b>HABEAS CORPUS:</b><br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition  |   |   |  |

**VI. CAUSE OF ACTION**(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.  
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

The United States seeks to forfeit the 1979 Rolls Royce Silver Wraith II, Vehicle Identification Number LRK 36784 and Washington Registration Number 020PAW pursuant to 21 U.S.C. § 881(a)(4) and 31 U.S.C. § 5317 (a)(2).

**VII. REQUESTED IN COMPLAINT:**CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE

DOCKET NUMBER

DATE

May 5, 2005

SIGNATURE OF ATTORNEY OF RECORD

Kristina E. Barclay, AUSA

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) United States of America v. 1979 Rolls Royce Silver Wraith II, Vehicle Identification Number LRK 36784 and Washington Registration Number 020PAW

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

— I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

X II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950.

\*Also complete AO 120 or AO 121 for patent, trademark or copyright cases

— III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

— IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

— V. 150, 152, 153.

15 10925 RGS

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the u.s.a. or an officer, agent or employee of the u.s. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 usc §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the commonwealth of massachusetts ("governmental agencies"), residing in massachusetts reside in the same division? - (See local rule 40.1(d)).

YES ☐ NO ☐

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Kristina E. Barclay, Assistant U.S. Attorney

ADDRESS United States Attorney's Office, 1 Courthouse Way, Boston, MA 02210

TELEPHONE NO. 617-748-3100

**TRANSMITTAL**

Once case is assigned,  
please forward to Civil  
Docketing, U.S. Attorney's  
Office.

CLERK OF COURT:

05c 10925 RGS

RE: United States of America vs. 1979 Rolls Royce Silver Wraith II  
Vehicle Identification Number LRK 36784 and  
Washington Registration Number 020PAW

PLEASE DESIGNATE:

Court Number: \_\_\_\_\_

Date Filed: May 5, 2005

Assistant U.S. Attorney: Kristina E. Barclay